

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the matter of)	
)	
Amendment of the Commission's Rules to)	WT Docket No. 04-435
Facilitate the Use of Cellular Telephones and other)	
Wireless Devices Aboard Airborne Aircraft)	

ORDER

Adopted: June 23, 2005

Released: June 23, 2005

By the Deputy Chief, Wireless Telecommunications Bureau:

1. In this Order, we address the request by CTIA-The Wireless Association ("CTIA") for an extension of time to file reply comments in this proceeding.¹ Specifically, CTIA seeks a sixty-day extension of the reply comment period in order to more thoroughly review the complex issues raised in the comments. For the reasons stated below, we grant an extension of forty-five days, and extend the reply comment deadline to August 11, 2005.

2. On February 15, 2005, the Commission released a *Notice of Proposed Rulemaking* (*Notice*) seeking public comment regarding proposals to replace or relax the Commission's ban on airborne use of 800 MHz cellular handsets, as well as on other proposals to facilitate the use of wireless handsets and devices on airborne aircraft.² On March 10, 2005, a summary of the *Notice* was published in the *Federal Register*, establishing deadlines for the filing of comments and reply comments of April 11, 2005 and May 9, 2005, respectively.³ On April 6, 2005, the Commission released an Order, extending the comments and reply comments deadlines to May 26, 2005 and June 27, 2005, respectively.⁴ CTIA filed the instant request to further extend the reply comment deadline on June 13, 2005.

3. CTIA, as well as the parties filing comments in support of its request,⁵ argue that a further extension of the reply comment period would allow interested parties to conduct a more thorough

¹ See CTIA Request for Extension of Reply Comment Deadline, filed June 13, 2005 (CTIA Extension Request).

² Amendment of the Commission's Rules to Facilitate the Use of Cellular Telephones and other Wireless Devices Aboard Airborne Aircraft, WT Docket No. 04-435, *Notice of Proposed Rulemaking*, 20 FCC Rcd 3753 (2005) (*Notice*).

³ See 70 Fed. Reg. 11916 (March 10, 2005).

⁴ Amendment of the Commission's Rules to Facilitate the Use of Cellular Telephones and other Wireless Devices Aboard Airborne Aircraft, WT Docket 04-435, *Order*, 20 FCC Rcd 7551 (WTB 2005); 70 Fed. Reg. 21724 (April 27, 2005).

⁵ See The Boeing Company Comments in Support of Extension of Reply Comment Deadline, filed June 15, 2005 (Boeing Supporting Comments); Cingular Wireless LLC and Cellco Partnership d/b/a Verizon Wireless Comments in Support of CTIA Request for Extension of Reply Comment Deadline, filed June 16, 2005 (Cingular/Verizon Supporting Comments); Comments of QUALCOMM Incorporated in Support of Request for Extension of Reply Comments, filed June 20, 2005 (QUALCOMM Supporting Comments).

review of all the issues raised by the comments and to submit more detailed and meaningful responses. CTIA, Cingular Wireless LLC and Cellco Partnership d/b/a Verizon Wireless ("Cingular/Verizon"), The Boeing Company ("Boeing"), and QUALCOMM Incorporated ("QUALCOMM") seek an additional extension of time in order to address various technical issues raised in the comments. Further, CTIA, Cingular/Verizon and Boeing argue that additional time is necessary to review the homeland security issues raised in comments filed jointly by the Department of Justice, Federal Bureau of Investigation, and Department of Homeland Security.⁶

4. Although it is the policy of the Commission that extensions of time shall not be routinely granted, we find that an extension of time in this instance will aid in clarifying the complex issues raised in the record of this proceeding. However, granting another two months to file replies, as requested by CTIA, would be unprecedented and could unnecessarily prolong this proceeding. We note that there have been nearly 8,000 submissions in this docket, but our initial review of the record reflects that a modest extension of the reply comment period could assist the Commission in obtaining a more complete and thorough record on which to base its decisions. For example, a number of commenters submitted detailed technical analyses, and other parties are in the process of conducting research and testing to assess the potential interference issues associated with the airborne use of wireless devices, as well as to evaluate the use of onboard pico cells as a technical solution. Further, we agree that the comments of the Department of Justice, Federal Bureau of Investigation and Department of Homeland Security raise significant issues that warrant an informed and thorough response in the reply comments. In order to provide interested parties sufficient time within which to respond meaningfully to the relevant issues raised in the *Notice* and the record, we extend, by forty-five days, the reply comments deadline in this proceeding to August 11, 2005.

5. Accordingly, IT IS ORDERED that, pursuant to sections 4(i) and 4(j) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 154(j), and sections 0.131, 0.331, and 1.46 of the Commission's rules, 47 C.F.R. §§ 0.131, 0.331, and 1.46, the deadline for filing reply comments in response to the *Notice of Proposed Rulemaking* is extended to August 11, 2005.

FEDERAL COMMUNICATIONS COMMISSION

Scott D. Delacourt
Deputy Chief, Wireless Telecommunications Bureau

⁶ CTIA Extension Request at 1-2; Cingular/Verizon Supporting Comments at 1; Boeing Supporting Comments at 1.